

# Notice of Allowability

Application No.

10/695,467

Examiner

George C. Neurauter, Jr.

Applicant(s)

SCIANDRA ET AL.

Art Unit

2143

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12 March 2007.
2. ☒ The allowed claim(s) is/are 1-6, 8-12 and 14-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

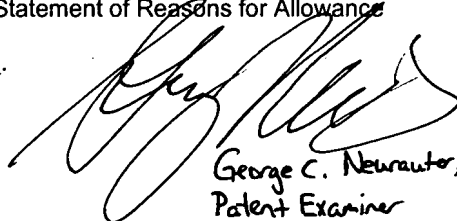
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
George C. Neurauter, Jr.  
Patent Examiner

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**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Larry Laubscher, Jr. on 30 March 2007.

The application has been amended as follows:

The title of the application is as follows:

"Method and System for Accessing and Managing Virtual Machines"

On page 16 of the specification, the sentence on lines 16-18 which currently reads "To accomplish this, the client transmits a three-part message 130, consisting of a session identifier 132, a module identifier 134 for the requested module, and an action request 136 to web server 140." is amended to read "To accomplish this, the client transmits a three-part message 130, consisting of a session identifier 132, a module identifier 134 for the requested module, and an action request 136 to web server 140 as shown in Fig. 7."

The claims are amended as follows:

Claim 1:

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The limitation "providing an array of one or more host servers, each host server having a plurality of virtual machine slots available for allocation;" is amended to recite "...providing an array of ~~one~~ two or more host servers, each host server having a plurality of virtual machine slots available for allocation;".

Claim 8:

Claim 8 in its entirety is amended as follows:

"A computer program product comprising a computer usable medium having control logic stored therein and residing on a server to permit allocating virtual machine slots among clients on a first network using an array of at least two host servers, each host server having a plurality of virtual machine slots available for allocation, said control logic comprising:

~~(a) computer readable program code means for providing an array of at least one host server, each host server having a plurality of virtual machine slots available for allocation;~~

~~(b)~~ (a) computer readable program code means for receiving client requests for allocation of virtual machine slots;

~~(c)~~ (b) computer readable program code means for assigning virtual machine slots to clients, the virtual machine

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slots being distributed among the host servers in a second client network according to a load-balancing algorithm; and

~~(d)~~ (c) computer readable program means for instructing the at least two host servers to copy copying selected files from a file repository of requested virtual machine slots to a memory location assigned to a specific client."

Claim 14:

The limitation "an array of one or more host servers, each server having a plurality of virtual machine slots available for allocation" is amended to recite "an array of ~~one~~ two or more host servers, each server having a plurality of virtual machine slots available for allocation".

Claim 15:

Claim 15 is amended to recite in its entirety:

"The system of claim 14, wherein the host servers includes a directory containing a copy of the virtual machine slots that have been assigned to the client computer."

Claim 16:

Claim 16 is amended to recite in its entirety:

"The system of claim 14, wherein the host servers includes a plurality of directories, each directory containing a copy of the virtual machine slots that have been assigned to a client

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computer, with each client computer having access to only that one directory."

The following is an examiner's statement of reasons for allowance: Claims 1-6, 8-12, and 14-16 are allowed in view of the Applicant's responses and arguments and the cited prior art of record. The claims recite an array of two or more host servers each having a plurality of virtual machine slots available for allocation where client requests are assigned to the slots among the host servers according to a load-balancing algorithm and copying files to a memory location assigned to a specific client, which, in view of the rest of the claim limitations, are distinguished from the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

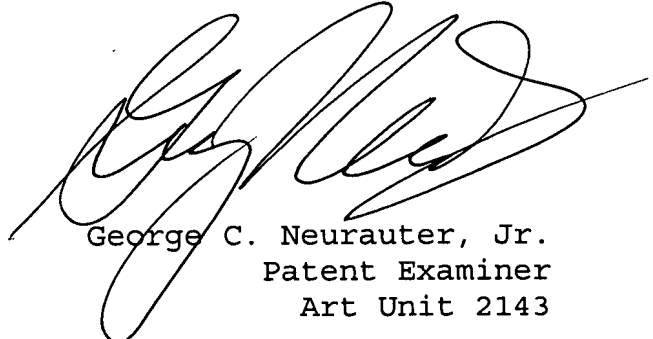
#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is 571-272-3918. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



George C. Neurauter, Jr.  
Patent Examiner  
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